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## Faculty Notes

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# Faculty NOTES

**T**he following compilation briefly describes some recent scholarly pursuits and civic activities of our law professors. If you would like any additional information — such as a reprint of an article or its citation — Ilene Fleischmann will be happy to help. Call her at (716) 645-2107.

**Professor Lee A. Albert** is teaching a new course this spring, Regulation of Hospitals and Physicians. The course examines statutes, regulations and regulatory programs that have a significant impact on the provision of health care services in the United States, including ERISA, Antitrust and Medicare. He is also teaching a seminar on Constitutional Litigation. Recent writings include "Justice White and the Duty of Judges to Decide," submitted to the *Brigham Young University Law Review*.

**Professor James B. Atleson** is teaching a course on Labor Law and a seminar on Law and the Visual Arts. He contributed a chapter, "Wartime Labor Regulation, the Industrial Pluralists, and the Law of Collective Bargaining," to the book *Industrial Democracy in America* (Cambridge University Press). He presented the paper "World War II Labor Regulation" at the annual meeting of

the North American Labor History Conference, in Detroit. Upcoming publications include his article "Law and Union Power: Thoughts on the United States and Canada" in the *Buffalo Law Review*, two essays in volumes produced by Greenwood Press and a book review in the periodical *Law and History*. Atleson has consulted with the "The NBC Nightly News" and the magazine *In These Times*.

**Professor Dianne Avery** is teaching Worker Safety, a seminar that addresses contemporary legal responses to workplace safety and health issues in the United States. With Professor Alfred S. Konefsky, she published an article, "The Daughters of Job: Property Rights and Women's Lives in Mid-19th Century Massachusetts," in *Law and History Review*.

**Professor Robert S. Berger** is co-director of the University's Canada-U.S. Legal Studies Centre. He also is teaching in the Environment and Development clinic, which is providing assistance to county and local governments attempting to develop strategies to increase the recycling of urban brownfield sites. For more information, see the article on page 40 of this issue of *UB Law Forum*, "The Examination of Urban Contamination."

He spoke on "Commencement of the Action" at the New York State Bar Association's Federal Civil Practice Forum, in Buffalo.

**Professor Guyora Binder** is teaching a course in Public International Law and a seminar in Interpretation. The latter explores debates in jurisprudence about the determinacy of rules, the authority of original intent, and the role of institutional, communal or historical context in "validating" interpretations.

His publications include: "Did the Slaves Author the Thirteenth Amendment? An Essay in Redemptive History," in the *Yale Journal of Law and Humanities*; "The Primacy of Group Rights," a chapter in *International Law Anthology*; "Post-Totalitarian Politics," in the *Michigan Law Review*; and "The Case for Self-Determination," in the *Stanford Journal of International Law*. He has presented portions of his forthcoming book *Literary Criticisms of Law* at workshops at the Buffalo, Stanford, Berkeley, Indiana and Rutgers law schools. The book is under contract to Princeton University Press.

**Dean and Professor Barry B. Boyer** is teaching a course on Environmental Law, in addition to managing the Law School.

**Clinical Instructor Lauren E. Breen** and **Clinical Instructor Thomas F. Disare** are co-teaching Community Economic Development and, with **Clinical Instructor George M. Hezel**, Low Income Housing.

**Professor Charles E. Carr** is teaching a course on Evidence.

He is currently working on two articles: one a review of mass media ownership, the other on the misplaced expectations of the criminal justice system. He is also working closely with UB Vice President Muriel Moore in public service and urban affairs activities.

**Professor Markus Dubber** is teaching a new, interdisciplinary semi-

nar, *The Sense of Justice*, with emphasis on its role in the theory and practice of criminal and constitutional law. Readings are in legal and political theory, ethics, aesthetics, sociology, psychology and linguistics.

His recent publications include "Regulating the Tender Heart" in the *Buffalo Law Review*, "Judicial Positivism and Hitler's Injustice" in the *Columbia Law Review* and "Rediscovering Hegel's Theory of Punishment" in the *Michigan Law Review*. An article on "The German Jury and the Metaphysical Volk" is forthcoming in the *American Journal of Comparative Law*. In October, Dubber presented a paper entitled "The Sense of Justice in German Jurisprudence" at the Annual Conference of the American Society for Legal History in Washington, D.C.

A new member of the faculty, Dubber is introduced in an accompanying *Forum* story.

Cornell University Press has published **Professor David M. Engel's** book *Contest and Community: The Meanings of Law in Three American Towns*, co-authored with Carol Greenhouse and Barbara Yngvesson. Additionally, his chapter "Law in the Domains of Everyday Life" is included in *Law in Everyday Life* (University of Michigan Press).

Engel organized a conference in Chiangmai, Thailand, for the Law & Society Association. Out of the conference came a special symposium issue of the *Law and Society Review*, entitled "Law and Society in Southeast Asia," which Engel co-edited and for which he co-authored the general introduction (with Jane Collier and Barbara Yngvesson). He is an associate editor of that publication.

**Professor Charles P. Ewing** is teaching a seminar on Juvenile Law and a seminar on Psychology, Psychiatry and Criminal Law. Co-editor

of the international journal *Behavioral Sciences and the Law*, he continues his research on juvenile and family homicide. He wrote the chapter "Forensic Psychology" for the textbook *Introduction to Clinical Psychology* (Plenum Publishing). Ewing received the 1993 Distinguished Contribution to Forensic Psychology Award at a convention of the American Psychological Association (APA), to which he delivered an address, "Forensic Psychology in the 21st Century."

In August 1994, Ewing presented the paper "Psychopathy and Criminal Responsibility" at the annual American Academy of Forensic Psychology Symposium at the APA meeting in Los Angeles.

He continues to serve on the editorial board of the *Journal of Child Sexual Abuse* and has written an article to be published in that journal, entitled "Reading and Heeding the Interdisciplinary Consensus Statement on the Investigation of Child Sexual Abuse: A Legal Perspective."

In addition, Ewing continues to write a "Judicial Notebook" column for the APA's monthly newspaper, *APA Monitor*.

Over the past year, he has presented talks and workshops for the New York State School Psychologists Association, the Houston (Texas) Seminar, Dominion Hospital (Arlington, Va.), and the American Board of Forensic Psychology (Hilton Head and San Diego). He has also presented talks to many local groups including the League of Women Voters, UB Nursing School, Buffalo Psychology Group, Mental Hygiene Legal Services, Temple Beth Zion and Cornell University Cooperative Extension.

He has been invited to speak at the American Psychiatric Association 1995 convention in April and at the Fifth Annual Mental Health and Law Symposium of the University of



*Professors Stephanie L. Phillips, Thomas E. Headrick and David B. Filvaroff*

**Professor David B. Filvaroff** recently presented a paper before an audience of federal judges, lawyers and academics at a conference on the Civil Rights Act of 1964, sponsored by the Federal Judicial Center in Washington, D.C. He also authored a chapter, "Substantive Rights and United States Law," in the book *United States Ratification of the International Covenants on Human Rights*, published by the American Society of International Law. Filvaroff has been reappointed by Chief Judge Judith Kaye to a second five-year term as a member of the New York State Commission on Judicial Ethics.

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Miami Law School in April 1995.

Ewing's work has been featured in many media during the past year, including the *New York Times*, *Time Magazine*, *Christian Science Monitor*, the *Los Angeles Times* and the *Washington Post*, as well as on network television, including ABC's 20/20, CBS Evening News, Court TV and *American Justice*.

**Professor Lucinda M. Finley**, director of the Law School's new Research and Writing Program, is also program director for the Baldy Center Program on Gender, Law, and Social Policy. Finley is teaching a new course on Constitutional Torts.

She wrote the introductory overview essay for a section of *Bibliography of Feminist Legal Scholarship* (Florida State University Press). She presented her paper "Pregnant But Different or Pregnant But Equal" at Columbia and Drake universities. Finley is active as counsel for several federal appeals court cases in progress. She was recently asked to serve on the transition team of New York State Attorney General Dennis Vacco.

**Professor Alan D. Freeman** and **Professor Elizabeth B. Mensch** are teaching a course on Antitrust. They edited *Property Law* (New York University Press), a two-volume, 1,200-page anthology, and wrote *The Politics of Virtue: Is Abortion Debatable?* (Duke University Press). They also have a chapter-length judicial biography of Sandra Day O'Connor in an upcoming revised edition of *The Justices of the Supreme Court* (Chelsea House). Their research



interests include religion and law, and animal rights issues.

**Associate Dean and Professor Ellen M. Gibson**, director of the UB Law Library, continues to work on the second edition of her book *New York Legal Research Guide* to reflect changes in electronic publishing since its first edition in 1988, and to expand a section on the use of historical statutory material. Her current University service includes membership on the President's Review Board and the WBFO Advisory Board. An alumna of UB Law, she also serves as a director of the Law Alumni Association.

**Professor Phillip Halpern** is teaching an interdisciplinary seminar on Housing Perspectives and Policy. He had an article, "Strategies for Financing Affordable Housing," published in the Spring 1994 edition of *Real Estate Review*. Along with **Clinical Instructor George Hezel**, he worked to obtain UB Law School's co-sponsorship of the *Journal of Affordable Housing and Community Development Law*, published by the American Bar Association's Forum on

**Professor Kenneth F. Joyce** is teaching courses on Gratuitous Transfers and Federal Tax. He continues as executive director of the New York State Law Revision Commission, which makes recommendations to correct ambiguities in New York's laws.

Affordable Housing and Community Development Law.

**Professor Thomas E. Headrick** is co-teaching a course with **Professor Stephanie Phillips** on Corporate Finance, Securities Regulation & Capital Markets. He published an article in *Law and Policy* on the stock market crash. Last year, he was named a Distinguished Service Professor by the State University of New York, the highest tenured position in the University system. He is currently serving as senior adviser to **UB President and Professor William R. Greiner**.

**Clinical Instructor George M. Hezel** continues his work with the Low-Income Housing Development



clinic. He spoke on "Affordable Housing Initiatives in Law Schools" at a meeting of the Inter-University Consortium on Poverty Law, in Orlando, Fla. Recently, along with **Professor Philip Halpern**, he worked to obtain UB Law School's co-sponsorship of the *Journal of Affordable Housing and Community Development Law*, published by the American Bar Association's Forum on Affordable Housing and Community Development Law.

**Professor Emeritus Jacob D. Hyman** is conducting research on home rule, and administrative law and the New Deal. He continues to teach in the Legal Methods Program.

**Professor Alfred S. Konefsky** is co-teaching a seminar on Colonial American Legal History with **Professor Robert J. Steinfeld**. He published an article with **Professor Dianne Avery** entitled "The Daughters of Job: Property Rights and Women's Lives in Mid-19th Century Massachusetts," in the *Law and History Review*. Konefsky also contributed "The Dartmouth College Case" to *The Oxford Companion to the Supreme Court of the United States* (Oxford University Press), and is working on a biography of Simon Greenleaf.

**Clinical Instructor Lisa Allen Kril** is teaching in the Education Law clinic, which secures free appropriate public education for children with disabilities. She recently made presentations at the Central Auditory Processing Disorders conference at UB on "Legal Rights of Children with Disabilities"; and at the Launch a Dream conference in Rochester, N.Y., sponsored by The Advocacy Center, on "Estate and Financial Planning Issues for Disabled Individuals."

**Professor Virginia A. Leary** has

been named Distinguished Service Professor of the State University of New York, the highest tenured position in the University system. In August 1994, she was a visiting scholar at three law schools in Australia. For the spring semester, she will be teaching at Hastings College of Law, University of California, as chair in International Comparative Law. Her research interests center on the right to health as a human right, and workers' rights and international trade. She has recently published two journal articles on the right to health and has completed a manuscript on workers' rights and trade which will be published in a joint economist/lawyer volume.

**Professor Janet S. Lindgren** has returned from a year's sabbatical. She served as a Research Fulbright Scholar at the law school of Laval University in Quebec City, continuing her work in statutes. She is teaching a course on Remedies, with a focus on the injunction. She is also teaching a seminar on Statutes: Argument.

**Lecturer Susan Mangold** is teaching a course in Evidence and Child Victim, and two Children's sections in the Family Violence clinic which analyze the relationship between child abuse, child custody issues and spousal violence.

**Professor Isabel Marcus** organized an interdisciplinary delegation of UB faculty composed of feminist scholars to lecture in Central and Eastern Europe on the impact of the inclusion of gender in their various disciplines. She also helped to establish the East-West Women's Legal Committee, a network that encourages the development of projects relating to the changing status of women in Central and Eastern Europe.

Marcus recently spent six weeks in Poland, where she studied the emergence of domestic violence as a public

policy issue. In addition, she organized a joint seminar on human rights law with students from both UB Law and the Jagiellonian University Faculty of Law, in Krakow. She is teaching a course on Gender and the Law. She also heads the Family Violence Applied Research Institute in the Law School.

**Professor Errol E. Meidinger's** recent publications include a chapter on "The Changing Legal Environment of Northern Forest Policy Making," in



**Professor Frank Munger** is in the last year of his term as editor of the *Law & Society Review*. He and **Professor David Engel** have recently received a grant from the National Science Foundation for research on disability, identity and employment to study the effects of the Americans With Disabilities Act. Munger is continuing his research on social change in three southern West Virginia coal mining communities. During the 1994-95 academic year he will teach, along with other courses, two new seminars: one on Poverty, the Family and Social Welfare Policy, and an interdisciplinary seminar on the Sociology of Law, which he is co-teaching with Professor Simon Singer of the Sociology Department.

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the book *Sustaining Ecosystems, Economies and a Way of Life* (The Wilderness Society). For 1993-94, he was a Visiting Scholar at the Institute of Environmental Studies at the University of Washington. This summer, he presented papers in Washington State and Oregon. Meidinger has edited the journal *Law and Policy* since 1988. He is completing a research project on the changing role of scientists in natural resources policy-making and recently has received funding for a project on legal issues in ecosystem management.

**Professor Emeritus Wade J. Newhouse** is teaching a two-semester survey course on Law and Public Education, which examines the legal structure of the American public school system with a specific focus on the law of New York State and the United State Constitution. He is also teaching a course on Collective Bargaining in Government. He was a member of the planning committee for the annual School Law Conference

**Professor R. Nils Olsen Jr.**, vice dean for academic affairs and director of clinical education, received grants from the U.S. Department of Education, the U.S. Legal Services Corp. and Delta Development Corp. to expand the Law School's clinical program. He continues to work with several citizens groups, including Residents Organized for Lewiston-Porter's Environment, Concerned Citizens of Clarence and Concerned Citizens of Cattaraugus County, on environmental disputes.

In the clinic, he is teaching: Environmental Policy, Advanced Problems in Environmental Policy and Judicial Clerkship.

**Professor Stephanie L. Phillips** is teaching a course on Conflicts of Laws, and is co-teaching a course on Corporate Finance, Securities Regulation and Capital Markets with **Professor Thomas E. Headrick**.

Her most recent work is "Claiming Our Foremothers: The Contested Legend of Sally Hemings and Thomas Jefferson," a paper she presented to the Critical Race Theory Workshop in Oakland, Calif. She is a director of the Graduate Group for Justice in Democracy, a joint effort between persons in the Law School and the American studies department. Recent grants include the Drescher Affirmative Action Leave Grant.

**Professor Peter R. Pitegoff** has written several articles recently, including "Child Care Enterprise, Community Development, and Work" in the *Georgetown Law Journal* (1993), "Housing and Community Development Initiatives in Law Schools" in the *Boston University Public Interest Law Journal* (1994), and the introduction to a symposium issue on urban revitalization in the *University of Michigan Journal of Law Reform* (forthcoming 1995). He made a plenary presentation in June to the American Association of Law School's Annual Conference on Clinical Legal Education on "New Directions in Clinical Legal Education." Pitegoff remains active in the Inter-University Consortium on Poverty Law and in a national task force on welfare reform and the working poor.

**Professor Robert I. Reis** directs the Government Law Program. He is teaching a course on Land Development and Finance, and a course in Environmental Law. His

interest in the Adirondack Park has led, among other work, to a paper presented at Albany Law School, "The Adirondack Park as a Public Trust Model." He also published *The Adirondack Park: Commentary and Forms* (Matthew Bender and Co.) this year.

**Clinical Instructor Melinda R. Saran** continues as associate director of the Education Law clinic. Her cases include two class-action suits seeking a free, appropriate public education for students with disabilities. She has presented to numerous community groups and conferences, including the Association for Higher Education and Disability, and the Association for Independent Living Centers in New York. She continues to provide technical assistance to law students with disabilities regarding accommodations within the Law School.

**Professor Judy Scales-Trent** is teaching a seminar on Law and Literature. She has recently completed a book, *Notes of a White Black Woman: Race, Color, Community*, which will be published in February by the Pennsylvania State University Press. In this set of linked essays, Scales-Trent uses her own experiences as a person legally defined as black but white in appearance to explore fundamental questions about the meaning of race in America and to subvert the common assumption that racial identity is a fixed, biologically based category.

Scales-Trent has also published this year three pieces exploring the intersection of race/ethnicity and gender in American law: "Women of Color and Health: Issues of Gender, Community and Power," in the *Stanford Law Review*; "Compound Discrimination— The Intersection of Race and Gender," in Rossein's treatise *Employment Discrimination Law and Litigation* (Clark Boardman

Callaghan); and "The Law as an Instrument of Oppression and the Culture of Resistance," in *Black Women in America: An Historical Encyclopedia* (Carlson Publishing). Finally, her essay, "On Turning Fifty," was published in Patricia Bell-Scott's *Life Notes: Personal Writings by Contemporary Black Women* (W. W. Norton).

**Senior Fellow John B. Sheffer II**, who has a dual appointment in both the Law School and the School of Architecture and Planning, is teaching a seminar in Advanced Legislative Law and Policy, which explores the nature and development of statutory law at the state level and the procedures employed in the legislative process. Sheffer's role at UB is explored in the *Forum* story "Double Duty."

**Professor Nancy Staudt** is teaching a course in Federal Tax and a seminar in Critical Tax Theory. She is working on an article exploring the tax burdens that keep women economically dependent. A new member of the faculty, Staudt is introduced in an accompanying *Forum* story.

**Professor Robert J. Steinfeld** is teaching a course in Corporations, and is co-teaching a seminar with **Professor Alfred Konefsky** on Colonial American Legal History. He recently gave a talk to the Yale Legal History Forum. He has also co-authored a paper on the history of coerced and free labor with Professor Stanley Engerman of the University of Rochester, which they will present this

winter at a conference held at the International Institute of Social History, in Amsterdam, the Netherlands. He has reviewed Christopher Tomlin's most recent book on labor history for the *William & Mary Quarterly*. The review will be published in the April 1995 issue.

**Professor Louis H. Swartz** is teaching a course in Family Law. He has written a chapter, "Laws and Sex," for Bullough & Bullough, eds., *Human Sexuality: An Encyclopedia* (Garland Press, 1994). His article "Absorbed States Play Different Roles in Female and Male Sexual Response: Hypotheses for Testing" was published this fall in the *Journal of Sex & Marital Therapy*.

**Professor John Henry Schlegel** had an article, "A Certain Narcissism; a Slight Unseemliness," in the *University of Colorado Law Review*, and "A Tasty Tidbit" in the *Buffalo Law Review*. In February, his book *American Legal Realism and Empirical Social Science* will be published by the University of North Carolina Press as part of the series *Studies in Legal History* sponsored by the American Society for Legal History. This spring, he is on sabbatical beginning a second book on American Legal Realism.

**Professor Anthony H. Szczygiel** is teaching Legal Services for the Elderly in the clinic. He wrote "What Every Lawyer Should Know About Medicare Coverage of Long-Term Care" for the *New York State Bar Journal*. His article "Beyond Informed Consent" appears in Volume 21 of the *Ohio Northern University Law Review* (Fall 1994). In addition to his continuing work with the Coalition of Medicaid Advocates (COMA), Szczygiel has organized the "Advanced Medical Planning Seminar" that was presented in January for members of the local Bar interested in long-term health care issues.

**Clinical Instructor Suzanne Tomkins** is teaching in the Family Violence clinic, which enables students to explore the legal system's response to family violence in Erie, Monroe and Niagara counties. ■



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